

JOHN R. GREEN
Acting United States Attorney
CAROL A. STATKUS
NICHOLAS VASSALLO
Assistant United States Attorneys
P.O. Box 668
Cheyenne, WY 82003-0668
Telephone: 307-772-2124
Facsimile: 307-772-2123
carol.statkus@usdoj.gov
nick.vassallo@usdoj.gov

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
v.)	No. 06-CV-0184J
)	and
)	
WYOMING AND COLORADO)	Consolidated Case No. 06-CV-171J
RAILROAD COMPANY, INC., et al.)	
)	
Defendants.)	

**UNITED STATES' MOTION FOR SUMMARY JUDGMENT ON THE SECOND
COUNTERCLAIM OF DEFENDANTS/COUNTERCLAIMANTS MARVIN M. BRANDT
REVOCABLE TRUST AND MARVIN M. BRANDT, TRUSTEE**

Pursuant to Fed. R. Civ. P. 56, the United States, by and through the Acting United States Attorney for the District of Wyoming and Assistant United States Attorneys Carol A. Statkus and Nicholas Vassallo, moves for summary judgment in the United States' favor on the

Second Counterclaim for Quiet Title of Defendants/Counterclaimants Marvin M. Brandt Revocable Trust and Marvin M. Brandt, Trustee¹ for the reason that there is no genuine issue of material fact and the United States is entitled to judgment as a matter of law. A brief, as well as the declarations of Clinton D. Kyhl, P. Michael Winters, and Curtiss J. Orde, are filed with this motion in support of it.

Dated this 10th day of October, 2007.

JOHN R. GREEN
Acting United States Attorney

By: _____

CAROL A. STATKUS
NICHOLAS VASSALLO
Assistant United States Attorneys
Attorneys for the Plaintiff

¹The United States has agreed to the substitution of the Marvin M. Brandt Revocable Trust and Marvin M. Brandt, Trustee as the real parties in interest in place of Marvin M. Brandt in his individual capacity.

CERTIFICATE OF SERVICE

I hereby certify that on October 10, 2007, I served the foregoing UNITED STATES' MOTION FOR SUMMARY JUDGMENT ON THE SECOND COUNTERCLAIM OF DEFENDANTS/COUNTERCLAIMANTS MARVIN M. BRANDT REVOCABLE TRUST AND MARVIN M. BRANDT, TRUSTEE upon the following by the methods indicated below:

Charles Michael (Steve) Aron
Aron and Henning, LLP
1427 North Fifth Street, Suite 201
Laramie, WY 82072
cma@a-hlaw.com

Attorney for Lawrence and Ginny Otterstein

☐ By Facsimile
☐ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☒ By Electronic Filing

William Perry Pendley
Joshua D. McMahon
Mountain States Legal Foundation
2596 South Lewis Way
Lakewood, CO 80227
wppendley@mountainstateslegal.com

Attorney for Marvin M. Brandt

☐ By Facsimile
☐ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☒ By Electronic Filing

Richard C. Bohling
Albany County Attorney's Office
525 Grand Avenue, Suite 304
Laramie, WY 82070
rbohling@co.albany.wy.us
Attorney for Albany County Commissioners

☐ By Facsimile
☐ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☒ By Electronic Filing

James P. Schermetzler
Albany County Attorney's Office
525 Grand Avenue, Suite 100
Laramie, WY 82070
jschermetzler@co.albany.wy.us
Attorney for Albany County Commissioner

☐ By Facsimile
☐ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☒ By Electronic Filing

Karen J. Budd-Falen
Brandon Lee Jensen
Budd-Falen Law Offices LLC
P.O. Box 346
Cheyenne, WY 82003-0346
main@buddfalen.com

*Attorney for Roger L. Morgan;
Marilyn & David Yeutter; and Ronald B. and
Helen D. Yeutter*

☐ By Facsimile
☐ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☒ By Electronic Filing

Philip A. Nicholas
Anthony, Nicholas, Goodrich & Tangeman
P.O. Box 928
Laramie, WY 82073
nicholas@wyolegal.com

*Attorney for Daniel & Susan McNierney and
Breazeale Revocable Trust*

☐ By Facsimile
☐ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☒ By Electronic Filing

Theodore C. Preston
Prehoda, Leonard & Hanack, LLC
P.O. Box 789
Laramie, WY 82073-0789
tpreston@laramielaw.com

*Attorney for Patrick R. and Lynda L. Rinker;
and Patricia A. Rinker Flanigin
DuWayne & Elizabeth Keeney
Kenneth R. Lankford Sr.
Kenneth R. Lankford, II*

☐ By Facsimile
☐ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☒ By Electronic Filing

Mason F. Skiles
Skiles & Rodriguez
502 South 4th Street
Laramie, WY 82070
*Attorney for Gary & June Williams and
Edmund L. and Donna Ellen Gruber*

☐ By Facsimile
☒ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☐ By Electronic Filing

Gay Vanderpoel Woodhouse
Gay Woodhouse Law Office
211 West 19th Street, Suite 308
Cheyenne, WY 82001
gaywoodhouselaw@aol.com
Attorney for Donald & Wanda Graff

☐ By Facsimile
☐ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☒ By Electronic Filing

Karl Morell
Ball Janik, LLP
1455 F Street N.W., Suite 225
Washington, D.C. 20005
kmorell@dc.bjllp.com
*Attorney for Wyoming & Colorado Railroad
Company, Inc.*

☐ By Facsimile
☐ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☒ By Electronic Filing

Juan and Susan Torres
3513 Linestone Court
Fort Collins, CO 80525

☐ By Facsimile
☒ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☐ By Electronic Filing

Bunn Family Trust
Debra R. Hinkel, Trustee
P.O. Box 1010
Laramie, WY 82073

☐ By Facsimile
☒ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☐ By Electronic Filing

Ralph L. Lockhart
P.O. Box 36
Laramie, WY 82073

☐ By Facsimile
☒ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☐ By Electronic Filing

Duane and Patricia King
1802 Arnold Street
Laramie, WY 82070

☐ By Facsimile
☒ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☐ By Electronic Filing

Marilyn Flint and Marjorie Secrest
17200 West Bell Road, Lot 2146
Surprise, AZ 85374

or

11 French Creek Road
Laramie, WY 82070-9718

Glenna Louise Marrs Trust
Glenna Marrs and Rondal Wayne, Trustees
376 Gilmore Gulch
Laramie, WY 82070

Snowy Range Properties, LLC
1148 State Highway 11
Laramie, WY 82070

Ray L. Waits
8736 S. Carr Street
Littleton, CO 80128-6914

Michael and Sally Palmer
715 S. 11th Street
Laramie, WY 82070

Robert S. and Dorothy M. Pearce
David M. Pearce, Steve M. Pearce and
Kathlynn A. Lambert
2990 Plateau Drive
Salt Lake City, UT 84109

☐ By Facsimile
☒ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☐ By Electronic Filing

☐ By Facsimile
☒ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
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☐ By Electronic Filing

☐ By Facsimile
☒ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☐ By Electronic Filing

Steven P. And Janis A. Taffe
4062 Hwy 230
Laramie, WY 82070

☐ By Facsimile
☒ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☐ By Electronic Filing

Billy M. and Tobin L. Ratliff
719 South 4th Street
Laramie, WY 82070

☐ By Facsimile
☒ By U.S. Mail - postage prepaid
☐ By Hand Delivery
☐ By Overnight Courier
☐ By Electronic Filing

For the United States Attorney's Office